G R S IX 5]

Preserve

Previous references

1918-19 for 9/15/LW File No 52-18

(Mem) Serial Nos 345

Later references

1921 61-9 ~~1921~~ 6248-37

GENERAL AND REVENUE SECRETARIAT

Serial Nos 345

Part B for March 1919

SUBJECT

Rules and Bye-laws under the Municipal Regulations of 1906.

8(3) From the D.P. Junkur Dist
Ho C 68/18-19

Requests sanction to the resolution of the Junkur Municipal Council regarding the introduction of the Bye-laws relating to the Powers of the President and Vice-President

8(4) To the D.P. Junkur Dist
G.O. No 11594 dt 11-3-19

Abdul Rahman 27-3-19 } Approves of the Rules received with 8C

W D 1250—GPB—30 000 28-1 19

G R S III—1] 1918-19 (1

GENERAL AND REVENUE SECRETARIAT

(Rel.)

NOTES

File No 52-18

FILE HEADING

Rules and Bye-laws under the Municipal Regulation of 1906

From

The Dy Comm^r, Tumkur Dist.

No L. F. H. DC 68/18-19 Dated 1. 9. 18 Received 13. 9. 18.

Diary No 3877	Enclos 2	Spare Copies	Serial No 3

BRIEF ABSTRACT OF LETTER

Submits for sanction draft rules for the exercise of certain powers of the Municipal Council by the President, the Vice President framed by the Tumkur town Municipal council under Section 46(b)(1) of the Municipal Regulation

NOTES AND ORDERS

The above rules have been framed by the Municipal Council with a view to delegate some of its powers to the President under Section 37 of the Regulation.

The powers conferred under the

NOTES - First Sheet

WD 1232—GPB—20 000—18 11 1o

G R S III-2]

General and Revenue Secretariat | Ind File No. 52 of 1917

Serial No

draft rules have been compared with the powers which can be delegated to others under Schedule B of the Govt's Notification and the draft rules generally agree with the rules making powers under Sections 650, 112(3) and 163 and 164 when the value of the article is Rs 100/- or more which are reserved by the Hon'ble under the Model Rule.

This is not necessary in the case of the rules in the State

2. The similar rules relating to Nurses or any other place are forthcoming in this office

3 Rule (6) of the draft rules are enclosed under the Rural establishment. This is one of duties of the President under Section 24 (1)(c) of the Rural Regulation and the Rural Council can frame rules under Sec 46 (2) delegating this power of the President or to other officers.

4 It appears a proviso may be added at the end of the rule as follows empowering in the matter of the draft rules.

Yes this is necessary

Rule (5) of the draft rules regarding the Power of entry prevention [illegible]

NOTE—Contn sheet

WL A 1788—GPE—60 000—20-3 19—S.

General and Revenue Secretariat | Judl File No. 52 of 1918

Serial No

for Powers under the Penal Regulation:—

This is one of the subordinate functions of the President under Sec 44 (2) of the Regulation. The Penal Council may delegate this power to the President. (Vide the Chief Court decision published at page 43 of the Upper Chief Court Reports, Vol 19 of 1914).

The Powers of the Vice President proposed in the draft Rules are in accordance with Section 25(2) of the Regulation

Submitted for orders with a copy (Ex) of the Rep. dated 4-1-19 and Rules containing Rules relating to the Constitution and functions of the Penal Committees.

6/1/19

Put up draft Sanctioning and hang up for discussion on one or two points

6.1.19

Submitted both drafts & sanctioning the Rules is submitted for approval

These rules have been compiled and them adopted does not seem to be open to any legal objection.

Draft sanction submitted for approval

Note—Contd sheet

(Temporary)

WL A 1799—GPB—80 000—20-9-18—S.

G R S III-2]

General and Revenue Secretariat

File No. 52 of 1918

Serial No

12 Should it prove a financial amendment in the last rule relating the telephone powers of the Municipal President - Should add after the words 'from him to them' the words 'By an order in writing'. Is there any objection there?

13 In the power proposed to be added by rule 6 there is no general provision in the Regulations or the rules for appeals after the order of the President in these matters. Should such provision not be made?

14 Why should we not give the Municipal Council the right to retain the appeals from the orders of the President directing persons thereon to the Board the right of appeal which they have now under section 70 of the Act

31/1/19

15 Submitted

(i) Para 12 The addition may be suggested to the Municipal Council while conveying approval

(ii) Para 13 As suggested by the Municipal Board it would be better that the power should

NOTE—Contn sheet

WD A 1769—GPB—60 000—20-3 18—S.

G R S III-2]

General and Revenue Secretariat | File No. 52 of 1918

Serial No

certain which is not inconsistent with the Regn would also help make the matter clear & may be suggested for adoption

In this connection the following extract from Communications Commissions on the Bombay Municipal Act is extracted for reference.

"In order to avoid petty appeals being brought up to the general committee and thus to avoid time being wasted, the following clause in the Bill as introduced, 'determining the case in which an appeal in every case of reduction of the assessment or the removal shall lie and by whom such appeal shall be heard and decided upon.'"

(iii) Para 14. This does not appear to be a case in which the Municipal Council can entertain an appeal against the orders of the

Part of the paragraph has been crossed out by the Municipal Council

(Sec 46(c))

reduction

NOTE—Contd sheet

G. R. S. III-2]

General and Revenue Secretariat

File No. 52 of 1918

Serial No

of the President ordering prosecution - Must the Municipal Council actually delegate to the President its deliberative function of deciding what to do

16 May the Govt advocate also (results)?

7 2 1919

(Temp[y] member)

17 Sir, I am directed to say that I must ask you kindly to inform the Legislative Council that the Govt have not as yet decided

10/2/19

19 Draft submitted for approval.

13 2 19

(20) (Temp[y] member) (21) Approved

WD A 1788—GPB—60 000—20-8-18—S.

Noms—Contn. sheet

G R.S. III-2]

General and Revenue Secretariat | Rl File No 52 of 1918

Serial No	
6	G.O. No 1159 dt 11.3.19 to Dy. Comr, Tanks.
7	Approves of the Rules drawn up
13	

NOTE—Contn sheet

3897

WD 0488—GPB—8 00 000—11 7-4—S

1918-19

From The Deputy Commissioner
Tumkur District.

To The Secretary to Government of
Mysore, Bangalore

Dated 1st Septr 1918

Despatched 2nd Septr 1918 3872

Received

General No 2 4 0 of 1918-19
No.

Enclosure No Two

Requests sanction of Government to the resolution of the Tumkur Town Municipal Council regarding the introduction of the Byelaws relating to the powers of the President and Vice-President

Check, Compare the Byelaws & submit RSO of Bramley Madras

E 5097 Rev 52-16-3

GIN & REV SECRETARIAT.
I
Rec'd
13 SEP 1918

Office of the Deputy Commissioner
Tumkur District Dated Tumkur, the 1st Septr 1

A. Subramanya Iyer, Esquire , B A.,

Deputy Commissioner,

Tumkur District

To
B Ramaswamaiya, Esquire, B A , B L ,
Secretary to Government of His Highness the Maharaja of Mysore
(Revenue Department) Bangalore

Sir,

I have the honour to state that the question of deligation of the powers of the Council to the President and the Vice President was taken up by the Council and the Bye-laws which were framed under section 46 (b) (1) of the Municipal Regulation in this connection were placed before it The Council have approved of these Bye-laws which are submitted for the sanction of Government Copies of the Bye-laws and the resolution of the Council are enclosed herewith for your kind perusal

In these circomstances I request that sanction of Government may be obtained for these Bye-laws

I have the honour to be,
Sir,
Your Most Obedient Servant,

Deputy Commissioner
Tumkur District

(10

Proceedings of the Second general meeting of the Tumkur Town Municipal Council held on Saturday the 31st August 1918 at 8 A M

&&&&&&

PRESENT.

1. A Subramanya Iyer Esquire, B A , President
2. Mr Y. Rama Rao B A , Vice President
3. ,, H Venkataramaiya B A ,B L ,
4 ,, K Ranga Iyengar B A ,L L B ,
5 ,, C Krishna Rao B A ,B L ,
6 ,, Mahamadyusuff Sahib
7 ,, B Mallappa
8 ,, H Ramakrishnaiya
9 ,, Namaramaiya Setty
10 ,, Kodandarama Setty
11 ,, G Channaverappa
12 ,, Makamgangadharappa
13 ,, N S Nanjundaiya Dist Medl & Sany Officer

ABSENT

14 ,, T C Revanna
15 ,, A K Mylarappa
16 ,, A Nagarajappa
17 ,, Abdulnabhikhan Sahib
18 ,, J S Kannaiya Setty
19 Rev A Brockbank
20 The Executive Engineer Tumkur Division

X X X

X X X

Viii Read -

Consideration of the Bye-laws relating to Buildings, Sanitation and the powers of the President and the Vice-President

Resolved that the Bye-laws in the matter of the powers of the President and the Vice President be approved and that the consideration of the other Bye-laws be deferred to next meeting, copies of the same being in the meanwhile sent to all the Councillors

"EXTRACT"

PRESIDENT

Rules

By-laws under section 46 (b) (i) of the Municipal Regulation defining the powers

of the President and the Vice President framed by the Townships Board and sanctioned by Govt in their order No.

1 Powers and duties of the President

(a) The President shall exercise the powers conferred upon the Municipal Council, in the following Sections - 63,64,65,66,67,76,82,83,84,92,93,94,95, 96,97,98,99,100,101,102,106,107,108,109 110,111,112,113,114,115,118,119,120,121 122,123,124,125,126,127,128,129,130,131 132,134,135,136,137,138,142,143,144,145 147,154,156,159,161, and 164

Sections	Subject matter
63,64,65,66, & 67	Preparation of assessment lists etc
76	Powers regarding Octroi and tolls
82 & 83	Issue of bills notice and warrants for recovery of taxes
84	Sale and disposal of goods distrained
92	Setting back projecting buildings
93	Setting forward to regular line of street
94	Buildings made of inflammable materials
95	Level of buildings
96	Notice of new buildings etc
97	Regulation of hut
98	Improvement of huts
99	Municipal control over drains, etc
100	Powers for making drains
101	Drainage of houses
102	Permission to owners and occupiers of buildings or lands to drain into municipal drains
106	Provision of privies etc
107	Cost of altering repairing and keeping in proper order privies etc
108	Power to close existing private dr
109	Power in respect of sewers etc , -

12

unauthorizedly-constructed, rebuilt, or unstopped

110 Encroachments on Municipal drains

111 Inspection of drains,etc

112 Execution of certain works under the sub Chapter 1X (3) without allowing options to persons concerned of executing the same

113 Powers regarding projections

114 Throughs and pipes for rain water

115 Fixing of brackets, etc , to houses

118 Removal and trimming of hedges, trees etc

119 Ruinous or dangerous buildings

120 Powers and duties with regard to dangerous, stagnant or insanitary sources of water supply

121 Displacing pavements,etc

122 Obstructions and encroachment upon public streets and open spaces

123 Poads to be set up during repairs,etc

124 Fencing and lighting during repairs,etc

125 Timber not to be deposited or hole made in the street without permission

126 Dangerous quarrying

Powers for the prevention of the following nuisances -

127 Depositing dust,etc

128 Discharging sewage,etc

129 Non-removal of filth,etc

130 Removal of night soil

131 (1) Filthy buildings etc

(2) Deserted and offensive buildings

132 Power to enter and inspect,etc build

134 Fouling water

135 Abatement of nuisances

136 Using offensive manure etc

137 (1) Tethering cattle,etc

(2) Keeping swine

(13)

138 Consurption of smoke

142 Search for and inspection of unwholesome articles

143 False weights and measures

144 & 145 Powers for the prevention of dangerous diseases

147 Powers for the prevention of diseases among horses, dogs, cattle, sheep or goats

154 Service of notices

156 Execution of works by the Municipal Council, in default of owner or occupier

159 Entry for purposes of the Regulation

161 Prosecutions

164 Suits.

Provided that the President shall not act in opposition to, or in contravention of, any resolution or decision of the Council or any constituted committee of the Council and that in all the matters in which an appeal is practicble an appeal shall lie from the President to the Council, and provided also that the Municipal Council may even without an appeal exercise their powers of revision over any of the above acts of the President

Notwithstanding anything contained in Rule 1 of the Rules relating to the Powers of the Managing Committee, the President shall have power in cases of emergency to sanction and execute any work the expenditure on account of which does not exceed P 100/- and the President shall report the same to the Managing Committee at its next meeting

(b) The President shall have power to

appoint suspend fine, reduce or dismiss any Municipal servant whose pay does not exceed R 40/- per month.

(c) The President shall have power to sanction all prosecutions for breach of any provision of the Municipal Regulation and the Bye-laws framed thereunder

Powers and duties of the Vice-President

The Vice President shall exercise such of the powers and perform such of the duties conferred upon the President of the Municipal Regulation as the President may from time to time delegate to him

Deputy Commissioner &
President Tumkur Town
Municipal Council.

241

15

GRS VI-71]

SUBJECT Rules defining the powers and duties of the President and the Vice President of the Taluk Town Municipal Council.

Diary No of letter replied to 3897

Section
File No 52-19
Serial No 5

General and Revenue Secretariat

(Rule)

the 191

Proceedings of the Government of
His Highness the Maharaja of Mysore

Date of issue..... 11.3.19

Signed by ... In B T Kesavaraya

May this be

i Printed ?

ii treated as a standing order ?

iii published in the Gazette English part ?

iv translated ?

v placed at the disposal of the press ?

vi published in the Gazette Kannada part ?

Read— Letter No 1 F.H.D 668 of 18-19 dt 18th Sept 1918 from the Dy Commr, Tumkur Dist, submitting for sanction draft rules framed by the Taluk Town Municipal Council under Section 46(6)(1) of the Municipal Regn of 1906, defining the powers of their President and the Vice President

Order Thereon— No. 11594 dt 11.3.19

The draft rules received with the above are approved The words "by an order in writing

over

may be added after the words
from time to time" in para 2
of the Rule.

2. A copy of the approved
scale is appended to this order.

3. His Excy Comdg is requested
to cause this scale to be printed
both in English and Kannada on
a dozen copies of each thereof
sent to the Revenue Secretariat
for record

By Order
Rev Secy.

To.

His Excy Comdg Bangalore Dist with
a copy of the approved scale

List of enclosures.

Copied by

Examined by